

**Emergency Rule**  
LSA Document #11-1(E)

DIGEST

Temporarily amends [326 IAC 2-2-1](#), [326 IAC 2-2-4](#), and [326 IAC 2-7-1](#) concerning the prevention of significant deterioration and Title V greenhouse gas tailoring rule (75 FR 31514, June 3, 2010). Authority: [IC 4-22-2-37.1](#)(a)(13). Effective January 3, 2011.

SECTION 1. (a) This SECTION supersedes [326 IAC 2-2-1](#)(ss).

(b) "Regulated NSR pollutant" means any of the following:

(1) Any:

- (A) pollutant for which a national ambient air quality standard has been promulgated; and
- (B) constituents or precursors for the pollutants identified by the U.S. EPA.

(2) Any pollutant that is subject to any standard promulgated under Section 111 of the CAA.

(3) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the CAA.

(4) Any pollutant that otherwise is subject to regulation under the CAA as defined in SECTION 3 [of this document].

(5) Notwithstanding subdivisions (1) through (4), any or all HAPs either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, which have not been delisted pursuant to Section 112(b)(3) of the CAA, are not regulated NSR pollutants unless the listed HAP is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the CAA.

(6) Notwithstanding subdivision (5), any pollutant listed in [326 IAC 2-2-1](#)(ww)(1)(A) through (ww)(1)(U) [[326 IAC 2-2-1](#)(ww)(1)(A) through [326 IAC 2-2-1](#)(ww)(1)(U)].

SECTION 2. (a) This SECTION supersedes [326 IAC 2-2-1](#)(ww).

(b) "Significant" means the following:

(1) In reference to a net emissions increase or the potential of the source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

(A) Carbon monoxide: one hundred (100) tons per year.

(B) Nitrogen oxides: forty (40) tons per year.

(C) Sulfur dioxide: forty (40) tons per year.

(D) Particulate matter: twenty-five (25) tons per year.

(E) PM<sub>10</sub>: fifteen (15) tons per year.

(F) Ozone: forty (40) tons per year of VOC.

(G) Lead: six-tenths (0.6) ton per year.

(H) Asbestos: seven one-thousandths (0.007) ton per year.

(I) Beryllium: four ten-thousandths (0.0004) ton per year.

(J) Mercury: one-tenth (0.1) ton per year.

(K) Vinyl chloride: one (1) ton per year.

(L) Fluorides: three (3) tons per year.

(M) Sulfuric acid mist: seven (7) tons per year.

(N) Hydrogen sulfide (H<sub>2</sub>S): ten (10) tons per year.

(O) Total reduced sulfur (including H<sub>2</sub>S): ten (10) tons per year.

(P) Reduced sulfur compounds (including H<sub>2</sub>S): ten (10) tons per year.

(Q) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): thirty-five ten-millionths (0.0000035) or  $3.5 \times 10^{-6}$  ton per year.

(R) Municipal waste combustor metals (measured as particulate matter): fifteen (15) tons per year.

(S) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): forty (40) tons per year.

(T) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): fifty (50) tons per year.

(U) Ozone-depleting substances (ODS): one hundred (100) tons per year.

(V) Pollutant greenhouse gases (GHGs): as specified in SECTION 3 [of this document].

(W) Any regulated NSR pollutant other than the pollutants listed in this SECTION: any emission rate.

(2) Any emissions rate or any net emissions increase associated with a major stationary source or major modification that:

(A) would be constructed within ten (10) kilometers of a Class I area; and

(B) has an impact on the area equal to or greater than one (1) microgram per cubic meter (twenty-four (24) hour average).

SECTION 3. (a) This SECTION is supplemental to [326 IAC 2-2-1](#).

(b) "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the CAA, or a nationally applicable regulation codified by the U.S. EPA in 40 CFR, Chapter I, Subchapter C, that requires actual control of the quantity of emissions of that pollutant, and that the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from that regulated activity, except as follows:

(1) Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a)\*, as added by 75 FR 25686 (May 7, 2010), as the aggregate group of six (6) greenhouse gases shall not be subject to regulation except as provided in subdivisions (4) and (5). Pollutant GHGs includes [*sic, include*] the following:

(A) Carbon dioxide.

(B) Nitrous oxide.

(C) Methane.

(D) Hydrofluorocarbons.

(E) Perfluorocarbons.

(F) Sulfur hexafluoride.

(2) For purposes of subdivisions (3) through (5), "tons per year (tpy) CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e)" shall represent an amount of GHGs emitted and shall be calculated as follows:

(A) Multiply the mass amount of emissions in tpy for each of the six (6) greenhouse gases in the pollutant GHGs by the gas's associated global warming potential published in 40 CFR 98, Subpart A, Table A-1 (Global Warming Potentials)\*, as added by 74 FR 56395 (October 30, 2009).

(B) Sum the resultant value from clause (A) for each gas to compute a tpy CO<sub>2</sub>e.

(3) "Emissions increase", as used in subdivisions (4) and (5), means that both a significant emissions increase as calculated using the procedures in 40 CFR 51.166(a)(7)(iv)\* and a significant net emissions increase as defined in [326 IAC 2-2-1\(ii\)](#) and [326 IAC 2-2-1\(w\)](#) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO<sub>2</sub>e and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and "significant" is defined as seventy-five thousand (75,000) tpy CO<sub>2</sub>e instead of applying the value in [326 IAC 2-2-1\(w\)\(1\)\(W\)](#).

(4) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if the stationary source is:

(A) a new major stationary source for a regulated NSR pollutant that is not GHGs and will emit or will have the potential to emit seventy-five thousand (75,000) tpy CO<sub>2</sub>e or more; or

(B) an existing major stationary source for a regulated NSR pollutant that is not GHGs and will have an emissions increase of a regulated NSR pollutant, and an emissions increase of seventy-five thousand (75,000) tpy CO<sub>2</sub>e or more.

(5) Beginning July 1, 2011, in addition to the provisions in subdivision (4), the pollutant GHGs shall be subject to regulation at:

(A) a new stationary source that will emit or will have the potential to emit one hundred thousand (100,000) tpy CO<sub>2</sub>e or more; or

(B) an existing stationary source that emits or has the potential to emit one hundred thousand (100,000) tpy CO<sub>2</sub>e or more, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of seventy-five thousand (75,000) tpy CO<sub>2</sub>e or more.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

SECTION 4. (a) This SECTION is supplemental to [326 IAC 2-2-4\(b\)](#).

(b) The requirements of [326 IAC 2-2-4](#) shall not apply to a major stationary source or major modification with respect to pollutant GHGs.

**SECTION 5. (a) This SECTION supersedes [326 IAC 2-7-1\(22\)](#).**

(b) "Major source" means any stationary source or any group of stationary sources as described in this SECTION. For purposes of subdivisions (2) and (3), the term shall include any group of stationary sources that are located on one (1) or more contiguous or adjacent properties and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping. In addition, for the purposes of defining major source in subdivision (2) or (3), a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at the source or group of stationary sources on contiguous or adjacent properties belong to the same major group (that is, all have the same two (2) digit code) as described in the Standard Industrial Classification Manual, 1987\*. For purposes of subdivisions (2) and (3), any stationary source (or group of stationary sources) that supports another source, where both are under common control of the same person (or persons under common control) and are located on contiguous or adjacent properties, shall be considered a support facility and part of the same source regardless of the two (2) digit SIC code for that support facility. A stationary source (or group of stationary sources) is considered a support facility to a source if at least fifty percent (50%) of the output of the support facility is dedicated to the source. The term includes the following:

(1) A major source under Section 112 of the CAA, which is defined as follows:

(A) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate:

(i) ten (10) tons per year (tpy) or more of any HAP that has been listed in Section 112(b) of the CAA;

(ii) twenty-five (25) tpy or more of any combination of such HAPs; or

(iii) such lesser quantity as the U.S. EPA may establish by rule.

(B) Notwithstanding clause (A):

(i) emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources; and

(ii) research and development activities may be considered separately for purposes of determining whether a major source is present and need not be aggregated with collocated stationary sources unless the research and development activities contribute to the product produced or service rendered by the collocated sources in a more than de minimis manner.

(C) For radionuclides, major source shall have the meaning specified by the U.S. EPA by rule.

(2) A major stationary source of air pollutants, as defined in Section 302 of the CAA, that directly emits or has the potential to emit, one hundred (100) tpy or more of any regulated air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by the U.S. EPA by rule). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the CAA unless the source belongs to one (1) of the following categories of stationary sources:

(A) Coal cleaning plants (with thermal dryers).

(B) Kraft pulp mills.

(C) Portland cement plants.

(D) Primary zinc smelters.

(E) Iron and steel mills.

(F) Primary aluminum ore reduction plants.

(G) Primary copper smelters.

(H) Municipal incinerators, or combinations of municipal incinerators, capable of charging more than fifty (50) tons of refuse per day.

(I) Hydrofluoric, sulfuric, or nitric acid plants.

(J) Petroleum refineries.

(K) Lime plants.

(L) Phosphate rock processing plants.

(M) Coke oven batteries.

(N) Sulfur recovery plants.

(O) Carbon black plants (furnace process).

(P) Primary lead smelters.

(Q) Fuel conversion plants.

(R) Sintering plants.

- (S) Secondary metal production plants.
  - (T) Chemical process plants.
  - (U) Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
  - (V) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.
  - (W) Taconite ore processing plants.
  - (X) Glass fiber processing plants.
  - (Y) Charcoal production plants.
  - (Z) Fossil fuel fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
  - (AA) Any other stationary source category regulated under Section 111 or 112 of the CAA and for which the U.S. EPA has made an affirmative determination under Section 302(j) of the CAA.
- (3) A major stationary source as defined in Part D of Title I of the CAA, including the following:
- (A) For ozone nonattainment areas, sources with the potential to emit:
    - (i) one hundred (100) tpy or more of VOC or oxides of nitrogen in areas classified as marginal or moderate;
    - (ii) fifty (50) tpy or more of VOC or oxides of nitrogen in areas classified as serious;
    - (iii) twenty-five (25) tpy or more of VOC or oxides of nitrogen in areas classified as severe; or
    - (iv) ten (10) tpy or more of VOC or oxides of nitrogen in areas classified as extreme;
 except that the references in this item to one hundred (100), fifty (50), twenty-five (25), and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the U.S. EPA has made a finding, under Section 182(f)(1) or 182(f)(2) of the CAA, that requirements under Section 182(f) of the CAA do not apply.
  - (B) For ozone transport regions established under Section 184 of the CAA, sources with the potential to emit fifty (50) or more tpy of VOC.
  - (C) For carbon monoxide nonattainment areas:
    - (i) that are classified as serious; and
    - (ii) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the U.S. EPA;
 sources with the potential to emit fifty (50) tpy or more of carbon monoxide.
  - (D) For particulate matter PM<sub>10</sub> nonattainment areas classified as serious, sources with the potential to emit seventy (70) tpy or more of PM<sub>10</sub>.

SECTION 6. (a) This SECTION is supplemental to [326 IAC 2-7-1](#).

(b) "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the CAA, or a nationally applicable regulation codified by the U.S. EPA in 40 CFR, Chapter I, Subchapter C, that requires actual control of the quantity of emissions of that pollutant, and that the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from that regulated activity, except as follows:

(1) Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a)\*, as added by 75 FR 25686 (May 7, 2010), as the aggregate group of six (6) greenhouse gases shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit one hundred thousand (100,000) tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e) or more.

Pollutant GHGs includes *[sic, include]* the following:

- (A) Carbon dioxide.
  - (B) Nitrous oxide.
  - (C) Methane.
  - (D) Hydrofluorocarbons.
  - (E) Perfluorocarbons.
  - (F) Sulfur hexafluoride.
- (2) "Tons per year (tpy) CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e)" shall represent an amount of GHGs emitted and shall be calculated as follows:
- (A) Multiply the mass amount of emissions in tpy for each of the six (6) greenhouse gases in the pollutant GHGs by the gas's associated global warming potential published in 40 CFR 98, Subpart A, Table A-1 (Global Warming Potentials)\*, as added by 74 FR 56395 (October 30, 2009).
  - (B) Sum the resultant value from clause (A) for each gas to compute a tpy CO<sub>2</sub>e.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and

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**copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

**SECTION 7. A variance request from the requirements of this document shall be made in accordance with [IC 13-14-8-8](#).**

SECTION 8. This document expires on the effective date of LSA Document #10-505, the date a withdrawal notice for LSA Document #10-505 is filed with the Publisher, or April 3, 2011, whichever takes place first.

*LSA Document #11-1(E)*

*Filed with Publisher: January 3, 2011, 8:43 a.m.*

*Posted: 01/05/2011 by Legislative Services Agency*

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